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New Jersey State Board of Physical Therapy Examiners
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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

September 22, 2015

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A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday September 22, 2015. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Beth Sarfaty, Chairperson of the Board**, called the meeting to order at 9:30 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Present
JEAN BICKAL, ESQ	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
RICHARD STONEKING, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **Carmen Rodriguez, Deputy Attorney General; Lisa Tadeo, Executive Director; Michela Ross, Government Rep**

Members of the public: Cathy Chin, representative of Select Medical; Jessica Fulmino, PT; legal intern with the Division of Consumer Affairs, Nicole Barkowitz

PUBLIC COMMENT

Adeena Hudes verbally reiterated the information that she submitted in writing for the Board to consider.

I. APPROVAL OF THE MINUTES OF JULY 28, 2015 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Jean Bickal to accept the minutes of the July 28, 2015 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers. David Bertone recused himself as he is the lecturer of one of the courses.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Jean Bickal and seconded by Karen Wilk to accept the course reviewer's recommendations as presented. The 100 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Nine courses were denied, as they did not meet all the requirements set forth in N.J.A.C. 13:39A-9 et. seq. A vote was taken and the motion carried by a unanimous vote.

B. Discussion with Charles Manning, Regulatory Analyst

RE: - Proposed Amendments Published in the April 20, 2015 New Jersey Register
- N.J.A.C. 13:39A-2.2 Authorized practice by a licensed physical therapist

A motion was made by Nancy Kirsch and seconded by David Bertone to adopt the regulations as proposed with the amendment to include a physical therapist assistant to 13:39A-9.2(g). A vote was taken and the motion carried by a unanimous vote.

A motion was made by David Bertone and seconded by Karen Wilk to accept the additional language to the regulation regarding authorized practice by a licensed physical therapist assistant. The Board will forward the additional language to the Regulatory Department for promulgation. A vote was taken and the motion carried by a unanimous vote.

C. Board Discussion

RE: - The Federation of State Boards of Physical Therapy ProCert
- Jurisprudence Assessment Module

Mr. Manning provided the Board with an update of the proposed regulation that includes the acceptance of ProCert.

A motion was made by Cindy Moore and seconded by Karen Wilk to place a reminder on the Board's website concerning the January 31, 2016 deadline for licensees to complete the Jurisprudence Assessment Module (JAM). The Board will also include in the reminder that the passing rate for the JAM is very high. A vote was taken and the motion carried by a unanimous vote.

D. Letter from Sally Weisbrot, PT

RE: Continuing Education

Ms. Weisbrot informed the Board that she was unable to attend a Board approved in person continuing education course. Ms. Weisbrot asked if she could count the home study DVD version of the course towards her continuing education credits even though the home study DVD version was not approved by the Board.

A motion was made by David Bertone and seconded by Jean Bickal to advise Ms. Weisbrot that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the courses meet the requirements as set forth in N.J.A.C. 13:39A-9 et seq. A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Daniel Lloyd from Medbridge Education
RE: Approved Provider Status

Mr. Lloyd from MedBridge Education asked if the Board would accept them as an approved continuing education provider.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to inform Mr. Lloyd that the Board does not currently accept any individual sponsors as an automatically approved provider. The Board will also inform Mr. Lloyd that it is in the process of accepting ProCert via regulation which may be helpful to sponsors who submit a large number of courses for approval. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from Kristopher Kim, Esq. on behalf of Mija Lee
RE: Test of English as a Foreign Language (TOEFL)

Mr. Kim wrote the Board on behalf of Mija Lee. Mr. Kim inquired if the Board would accept Ms. Lee's passing TOEFL scores taken in 2004 from CGFNS (Commission on Graduates of Foreign Nursing Schools). Upon review, the Board noted that the scores were passing in all categories.

A motion was made by David Bertone and seconded by Cindy Moore to accept Ms. Lee's TOEFL scores from CGFNS. A vote was taken and the motion carried by a unanimous vote.

- G. Letter from Harold T. Coppla, CPA
RE: Permissible Business Structures

Mr. Coppla inquired if two physical therapist owners operating as a Limited Liability Company could do business as a partnership.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to inform Mr. Coppla that the physical therapist must act independently in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting his or her fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing his or her practice as a physical therapist in the State of New Jersey including but not limited to N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals* and N.J.S.A. 45:9.37.34(e) *Permitted licensees, natural person; regulations* and N.J.S.A. 14A:17-1 *Professional Service Corporation Act*. A vote was taken and the motion carried by a unanimous vote.

- H. Letter from Adeena Hudes
RE: Test of English as a Foreign Language (TOEFL)

Ms. Hudes asked the Board to waive the written portion of Test of English as a Foreign Language (TOEFL) exam as she has a New York physical therapy license. Ms. Hudes noted that although she earned her degree abroad, English is her first language. Ms. Hudes informed the Board that she passed three sections of the TOEFL but has been unable to pass the written portion.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to go into Executive Session to seek legal advice before making a determination on this matter. A vote was taken and the motion carried by a unanimous vote.

The Board returned to public session and a motion was made by Cindy Moore and seconded by Nancy Kirsch to deny Ms. Hudes waiver request. Ms. Hudes must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

- I. Letter from Anne Schaeffer, PT
RE: Physical Therapy in a School Setting

Ms. Schaeffer inquired about medical clearance and compliance with Individualized Education Program (IEP).

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to inform Ms. Schaeffer that a physical therapist must use his or her professional judgment as to what is safe and effective care for the patient while working within the constraints of the IEP. The physical therapist can contact the patient's guardian who can provide medical information. A vote was taken and the motion carried by a unanimous vote.

- J. Letter from Shailaja Kesara
RE: Test of English as a Foreign Language (TOEFL)

Ms. Kesara asked the Board to waive the Test of English as a Foreign Language (TOEFL) exam as she received an advanced Masters degree from Quinnipiac University.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to deny Ms. Kesara waiver request. Ms. Kesara must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

III. FOR YOUR INFORMATION

- A. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed the New Jersey Jurisprudence Assessment Module and considered it informational.

- B. Federation of State Boards of Physical Therapy
Comment Summary and Candidate Satisfaction Survey Report

The Board reviewed the National Physical Therapy Examination Comment Summary and Candidate Satisfaction Survey Report and considered it informational.

- C. Federation of State Boards of Physical Therapy
National Physical Therapy Exam (NPTE) Eligibility Requirements Update

The Board reviewed the National Physical Therapy Exam Eligibility Requirements update and considered it informational.

- D. Settlement letter dated July 14, 2015
In the matter of James A. Beebe, D.C.
Russell C. Doyle, D.C.
John P. Fresh, D.C.

The Board considered the Settlement letter dated July 14, 2015 in the matter of James A. Beebe, D.C., Russell C. Doyle, D.C. and John P. Fresh, D.C., informational.

- E. Settlement letter dated August 25, 2015
In the Matter of Matthew Riordan, PT

The Board considered the Settlement letter dated August 25, 2015 in the matter of Matthew Riordan, PT, informational.

- F. Settlement letter dated August 25, 2015
In the Matter of Yuchin Chang, PT

The Board considered the Settlement letter dated August 25, 2015 in the matter of Yuchin Chang, PT, informational.

Ms. Chang asked the Board to retroactively reinstate her license to the date that her license expired.

A motion was made by Karen Wilk and seconded by Barbara J. Behrens to inform Ms. Chang that her license cannot be retroactively reinstated to the date that her license expired. A vote was taken and the motion carried by a unanimous vote.

Upon a motion made by Cindy Moore and seconded by Karen Wilk, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Nineteen matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Five matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Khushboo Patel
2. Dynaben Patel
3. Geniveb Ariosa
4. Sheryll Bajamundi
5. Runzun Shetye
6. Aldrin Aquino
7. Nishita Desai
8. Janki Patel
9. Clarivel Morillos
10. Swathi Manchala
11. Tanvi Raykar
12. Mriga Bhatia
13. Mahmoud Ibrahim
14. Sebastian Schuler
15. Marlon Lopez
16. Rey Anthony Dia
17. Jalark Boghra
18. Rasheed Muhammad Khan
19. Benigno Espeleta
20. Oliver Cayetano

APPLICATIONS NOT APPROVED BY THE BOARD

1. Jyothsna Junnalagadda
2. Roopa Chander

ADJOURNMENT

The Board returned to Public Session and a motion was made by Nancy Kirsch and seconded by Cindy Moore to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director